

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 21st August 1958 :—

Issue No.	No. and date	Issued by	Subject
157A	S.O. 1679-A, dated the 14th August 1958.	Ministry of Transport and Communications.	Reconstitution of the Inter-State Transport Commission.
158	S.O. 1680, dated the 11th August 1958.	Election Commission, India.	First Appeal No. 47 of 1958.
159	S.O. 1724, dated the 18th August 1958.	Ministry of Information and Broadcasting.	Certification of films to be of the description specified therein.
160	S.O. 1725, dated the 20th August 1958.	Election Commission, India.	Declarations containing the names of the candidates elected to the Delhi Electoral College.
	S.O. 1726, dated the 20th August 1958.	Ditto	Table containing the names of persons elected to the Delhi Electoral College.
161	S.O. 1727, dated the 20th August 1958.	Ministry of Labour and Employment.	Extension of the period of operation of the Award of the All India Industrial Tribunal (Colliery Disputes Calcutta).

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

## ELECTION COMMISSION, INDIA

New Delhi, the 20th August 1958

S.O. 1789.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election

Commission, in consultation with the Government of Punjab, hereby nominates Shri A. N. Kashyap, I.A.S., as the Chief Electoral Officer for that State with effect from the 1st August, 1958.

[No. 154/10/58.]

S. C. ROY, Secy.

## MINISTRY OF LAW

New Delhi, the 22nd August 1958

**S.O. 1740.**—In exercise of the powers conferred upon him by clause (1) of article 103 of the Constitution, and acting in accordance with the opinion of the Election Commission obtained under clause (2) of the said article and set out in the Appendix hereto, the President has rejected the petition dated the 5th May, 1958, submitted by Shri Ajudhiya Nath against Shri Iqbal Singh, a member of the House of the People.

### APPENDIX

### ELECTION COMMISSION, INDIA

#### OPINION

*Reference No. 1 of 1958 under article 103 of the Constitution of India*

In re. Shri S. Iqbal Singh, MP.

This reference under article 103 of the Constitution of India has been made by the President on a petition submitted to him by one Shri Ajudhiya Nath. The petition is against Shri S. Iqbal Singh, MP, who was declared duly elected to the House of the People from the Ferozepore Parliamentary constituency at the general election held in January—March 1957. It seeks for a declaration that the respondent failed to lodge a copy of his account of election expenses in the manner required by and under the law and is therefore disqualified for being a member of the House of the People.

2. This very question was raised last year before the President by another petitioner, Shri Mast Ram. After due inquiry, the Commission tendered its opinion dated the 13th November 1957 to the effect that that petitioner completely failed to make out that the respondent had incurred any disqualification. Acting in accordance with that opinion, the President rejected Shri Mast Ram's petition by a notification published in the Gazette of India on the 5th December, 1957.

3. As it appeared on the face of the present petition that it attempted to raise once again the same question on the same facts in regard to which the decision of the President had been given under article 103, the petitioner Shri Ajudhiya Nath was given an opportunity to satisfy the Commission that a further inquiry was called for in the matter. The Commission did not consider it necessary to issue notice of the preliminary hearing to the respondent.

4. The petitioner, besides sending by post certain written submissions on the question put to him, authorised an advocate who was none other than Shri Mast Ram, the petitioner of last year, to represent his case before the Commission. In his written submission, the petitioner *inter alia* made the following statements:—

"That the petitioner has reasons to believe that Shri Mast Ram was won over by S. Iqbal Singh through due or undue influence and therefore did not pursue the petition properly. That ..... it seems that Shri Mast Ram had, by his objectionable conduct, annoyed Shri S. Sen and therefore Shri Sen did not decide the questions purely on merits."

It is curious that in spite of these serious allegations against the previous petitioner, Shri Mast Ram, the present petitioner has thought it fit to engage him as his counsel and the latter has also accepted the brief given him by the petitioner.

5. The petitioner contends that the question of a member's disqualification can be raised any number of times by different petitioners under article 103, even if it be on the same grounds. The petitioners who raise the question later, not being parties to the previous proceedings, are not bound by a decision given on a previous petition.

6. This contention is based on a misconception of the nature of the proceedings under article 103 and is clearly untenable. It is not denied that the allegations made in the present petition relate to the manner in which the returned candidate Shri S. Iqbal Singh maintained his account of election expenses under section 77, and the manner in which he lodged it with the Returning Officer under section 78, of the Representation of the People Act, 1951. These allegations are exactly the same as the allegations made previously by Shri Mast Ram and scrutinised after the inquiry by the Commission in its opinion dated the 13th November 1957. It has been decided by the President that there is no substance in these allegations and that consequently the respondent has not incurred any disqualification on this score. This position cannot undergo any change merely because another person reiterates the same allegations and raises the same question. To allow various persons to do so one after another would tantamount to ignoring the express provision in article 103(1) that the decision of the President on the particular question raised before him shall be final.

7. The Commission accordingly tenders the opinion that there is no need or justification for reviewing the previous decision of the President and that the respondent has not become subject to any disqualification for being a Member of Parliament.

*The 16th July, 1958.*

(Sd.) K. V. K. SUNDARAM,  
Chief Election Commissioner, India.

[No. F.10(19)/58-Elections.]

K. Y. BHANDARKAR, Secy.

*New Delhi, the 23rd August 1958*

**S.O. 1741.**—In exercise of the powers conferred by clause (i) of article 299 of the Constitution, the President hereby directs that every Indemnity Bond to be executed in Japan by any person in connection with payment of compensation with respect to cargoes owned by any Indian or his principals in Japan at the time of the outbreak of the Second World War, shall be accepted on behalf of the President by the Ambassador of India in Japan.

[No. F. 44(9)/58-J.]

**S.O. 1742.**—In exercise of the powers conferred by clause (i) of article 299 of the Constitution, the President hereby directs that every Indemnity Bond to be executed in India by any person in connection with payment of compensation with respect to cargoes owned by any Indian or his principals in Japan at the time of the outbreak of the Second World War, shall be accepted on behalf of the President by the Custodian of Enemy Property, Bombay.

[No. F. 44(9)(1)/58-J.]

P. K. BOSE, Dy. Secy.

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 20th August 1958*

**S.O. 1743.**—Whereas arrangements have been made with the Government of Ceylon for taking the evidence of witnesses residing in Ceylon in relation to criminal matters in courts in India, the Central Government in pursuance of sub-section (3) of section 504 of the Code of Criminal Procedure, 1898, (5 of 1898) and in supersession of the notification of the Government of India in the Ministry of Home Affairs, S.R.O. 4, dated the 8th April, 1950, hereby directs that Commissions from Courts in India for the examination of witnesses in Ceylon shall be issued in the Form annexed hereto to the Supreme Court of Ceylon and that such commissions shall be sent to the Ministry of External Affairs, Government of India, New Delhi for transmission to that Court.

## IN THE COURT OF COMMISSION TO EXAMINE WITNESS OUTSIDE INDIA

[Section 504(3) of the Code of Criminal Procedure, 1898.]

To

Through the Ministry of External Affairs,  
Government of India, *New Delhi*.

Whereas it appears to me that the evidence of \_\_\_\_\_ is necessary for the ends of justice in case No. \_\_\_\_\_ Vs. \_\_\_\_\_ in the Court of \_\_\_\_\_ and that such witness is residing within the local limits of your jurisdiction and his attendance cannot be procured without an amount of unreasonable delay, expense or inconvenience, I have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said court you will be pleased to summon the said witness to attend at such time and place as you shall appoint and that you will cause such witness to be examined upon the interrogatories which accompany this commission (for viva voce).

Any party to the proceeding may appear before you by pleader, or, if not in custody, in person, and may examine, cross-examine or re-examine (as the case may be) the said witness.

And I further have the honour to request that you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by your official seal (if any) and by your signature and to return the same together with this commission to the undersigned through the Ministry of External Affairs, Government of India, *New Delhi*.

Given under my hand and the seal of the Court this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Judge, District Magistrate,  
Presidency Magistrate.  
[No. F. 17/1/58-Judl.II(1).]

**S.O. 1744.**—Whereas arrangements have been made with the Government of Australia for taking the evidence of witnesses residing in Australia in relation to criminal matters in courts in India, the Central Government in pursuance of sub-section (3) of section 504 of the Code of Criminal Procedure, 1898 (5 of 1898) and in supersession of the notification of the Government of India in the Ministry of Home Affairs, S.R.O. No. 4, dated the 8th April, 1950, hereby directs that commissions from courts in India for the examination of witnesses in Australia shall be issued in the Form annexed hereto to the following Judges namely:—

- (a) The Chief Justice of the Supreme Court of the State in which the witness resides;
- (b) The Judge of the Supreme Court of the Australian Capital Territory, Canberra, in case the witness resides in that territory; and
- (c) The Judge of the Supreme Court of the Northern Territory, Darwin, in case the witness resides in that territory,

and that such commissions shall be sent to the Ministry of External Affairs, Government of India, *New Delhi*, for transmission to the Court concerned.

## IN THE COURT OF COMMISSION TO EXAMINE WITNESS OUTSIDE INDIA

[Section 504(3) of the Code of Criminal Procedure, 1898.]

To

Through the Ministry of External Affairs,  
Government of India, *New Delhi*.

Whereas it appears to me that the evidence of \_\_\_\_\_ is necessary for the ends of justice in case No. \_\_\_\_\_ Vs. \_\_\_\_\_ in the Court of \_\_\_\_\_ and that such witness is residing within the local limits of your jurisdiction and his attendance cannot be procured without an amount

of unreasonable delay, expense or inconvenience, I have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said witness to attend at such time and place as you shall appoint and that you will cause such witness to be examined upon the interrogatories which accompany this commission (for viva voce).

Any party to the proceeding may appear before you by pleader, or, if not in custody, in person, and may examine, cross examine, or re-examine (as the case may be) the said witness.

And I further have the honour to request that you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by your official seal (if any) and by your signature and to return the same together with this commission to the undersigned through the Ministry of External Affairs, Government of India, New Delhi.

Given under my hand and the seal of the Court this  
19 .

day of

Judge, District Magistrate,  
Presidency Magistrate.

No. F. 17/1/58-Judl. II(ii).

K. R. PRABHU, Dy. Secy.

*New Delhi, the 20th August 1958*

**S.O. 1745.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendment shall be made in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, published with the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 607, dated the 28th February, 1957, namely:—

In Part II of the said Schedule, against "Labour Officers, Class II" in column 1, below "(q) Oil and Natural Gas Commission" and the entries relating thereto in columns 3 and 4, the following entries shall be inserted, namely:—

3	4
(r) Hindustan Housing Factory (Private) Limited	General Manager, Hindustan Housing Factory (Private) Limited. (i) to (iii)

[No. F. 7/36/57-Ests(A).]

*New Delhi, the 25th August 1958*

**S.O. 1746.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following amendments in the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

In the said Rules—

1. in rule 15,

(i) in sub-rule (2), after the words "by the Disciplinary Authority", the following shall be inserted, namely:—

"(a) to such Authority, or

(b) where a Board of Inquiry or Inquiring Officer has been appointed under sub-rule (2a), to that Board or Officer,";

(ii) after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(2a) The Disciplinary Authority may inquire into the charges itself or, if it considers it necessary so to do, it may, either at the time of communicating the charges to the Government servant under sub-rule (2) or at any time thereafter, appoint a Board of Inquiry or Inquiring Officer for the purpose.”;

(iii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority or, as the case may be, the Board of Inquiry or the Inquiring Officer may inquire into such of the charges as are not admitted.”;

2. in Part VI, after rule 31, the following rule shall be inserted, namely.—

“31A. Notwithstanding anything contained in this Part, where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority under rules 22 to 24 in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to that appeal, be deemed to be the appellate authority for the purposes of rules 30 and 31.”

[No. F. 7/45/57-Estt(A).]

P. SITARAMAN, Dy. Secy.

*New Delhi, the 21st August 1958*

**S.O. 1747.**—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1931, the Central Government is pleased to specify Bhanwarji Shri Rajendrasinghji Daljitsinghji, grandson of the Ruler of Idar, for purposes of that entry and directs that the exemption shall be valid in respect of two revolvers, one pistol, two rifles and two guns.

[No. 16/2/58-P. IV.]

T. C. A. RAMANUJACHARI, Dy. Secy.

## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 25th August 1958*

**S.O. 1748.**—It is hereby notified that Shri S. K. Chatterjee, Registrar, Embassy of India, Tokyo, was authorised, in pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), to perform the duties of a consular agent from the 18th February, 1958 to the 11th March, 1958 (both days inclusive).

[No. 30-Cons/58.]

S. N. SHEOPORI, Under Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

New Delhi, the 21st August 1958

**S.O. 1749.**—Statement of the Affairs of the Reserve Bank of India, as on the 15th August, 1958.

**BANKING DEPARTMENT**

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	21,51,61,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,12,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	25,00,00,000	Subsidiary Coin . . . . .	3,49,000
National Agricultural Credit (Stabilisation) Fund . . . . .	3,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	
Deposits :—		(b) External . . . . .	
(a) Government		(c) Government Treasury Bills . . . . .	2,68,19,000
(1) Central Government . . . . .	63,59,42,000	Balances held abroad* . . . . .	14,85,64,000
(2) Other Governments . . . . .	16,81,69,000	Loans and Advances to Governments . . . . .	15,43,85,000
(b) Banks . . . . .	95,28,47,000	Other Loans and Advances† . . . . .	51,51,77,000
(c) Others . . . . .	144,64,69,000	Investments . . . . .	339,05,20,000
Bills Payable . . . . .	10,69,45,000	Other Assets . . . . .	8,90,46,000
Other Liabilities . . . . .	9,98,34,000		
<b>TOTAL . . . . .</b>	<b>454,02,33,000</b>	<b>TOTAL . . . . .</b>	<b>454,02,33,000</b>

\*Includes Cash & Short term Securities.

†The item 'Other Loans and Advances' includes Rs. 3,27,97,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of August 1958.

ISSUE DEPARTMENT

Liabilities	Ra.	Ra.	Assets	Ra.	Ra.
Notes held in the Banking Department . . . . .	21,51,61,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . . .	<u>13,50,72,10,000</u>		(a) Held in India . . . . .	117,76,03,000	
Total Notes issued . . . . .		1572,23,71,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	<u>179,67,56,000</u>	
			TOTAL OF A . . . . .		297,43,59,000
			B. Rupee Coin . . . . .		135,57,04,000
			Government of India Rupee Securities . . . . .		1139,23,08,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL—LIABILITIES . . . . .		1572,23,71,000	TOTAL—ASSETS . . . . .		1572,23,71,000

Dated the 19th day of August 1958.

H. V. R. IENGAR, Governor.

[No. F. 3 (2)-F.1/58.]

A. BAKSI, Jt. Secy.



**(Department of Economic Affairs)***New Delhi, the 25th August 1958*

**S.O. 1750.**—In exercise of the powers conferred by section 33 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to—

- (i) the State Bank of India, and
- (ii) banking companies, or any other banking institutions notified under section 51 of the said Act.

in so far as the said provisions prohibit any person by whom the State Bank of India or any such banking company or institution is being managed from being a member of the Council of the Indian Institute of Bankers.

[No. 4(101)-BC/58.]

R. K. SESHADRI, Dy. Secy.

**(Department of Revenue)****ORDER****STAMPS***New Delhi, the 18th August 1958*

**S.O. 1751.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty chargeable under the said Act on the lease deed to be executed in favour of the High Commission for Ghana in India in respect of plot No. 6, measuring about 5.404 acres, in Block No. 50-N. Chanakya-puri, New Delhi.

[No. 28.]

B. B. GUJRAL, Under Secy.

**OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE,  
GOA FRONTIER****NOTICES***Belgaum, the 23rd August 1958*

**S.O. 1752.**—Whereas there is reason to believe that the marginally noted goods which were seized by the S.R.P. Staff in the jurisdiction of Chowky No. 30 at the river side in front of Arosbag on the 20th March, 1958 were attempted to be exported by land to Goa (Portuguese Territory in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industry Export Trade (Control) Order No. 1/54, dated the 10th May 1954 read with their Public Notice No. 4749, dated the 23rd March, 1955 issued under the Import and Export (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier, Belgaum, why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 187(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette/Bombay State Government Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII/10-86/58.]

**S.O. 1753.**—Whereas there is reason to believe that the marginally noted goods which were seized by the Central Excise Staff on the jungle trace near Padlos, a village in the vicinity of Goa border on the 4th January, 1958 were attempted to be exported by Land to Goa in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industry Export Trade (Control) Order No. 1/54, dated the 10th May, 1954 read with their Public Notice No. 4744, dated the 23rd

March, 1955 issued under the Import and Export (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, Goa Frontier, Belgaum, why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette/Bombay State Government Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII/10-16/57.]

**S.O. 1754.**—Whereas there is reason to believe that the marginally noted unclaimed goods which were seized by the S.R.P. Party on the bank of a creek in the jurisdiction of Ch. No. 16 on the 14th March, 1958 were imported from Goa (Portuguese Territory in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industry Imports Trade Control Order No. 17/55, dated the

7th December, 1955 issued under the Import and Export (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector, Central Excise and Land Customs, Goa Frontier Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette/Bombay State Government Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII/10-96/58.]

E. R. SRIKANTIA, Asstt. Collector.

## OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BOMBAY

### NOTICE

*Bombay, the 20th August 1958*

**S.O. 1755.**—Whereas it appears that the marginally noted unclaimed goods which were seized at Madura, Dist Ratnagiri by the Supervisor, Central Excise, Kasspar were attempted to be exported by an unauthorised route to Goa (Portuguese territory in India) in contravention of the Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Export

S. No.	Description.	Qty.
1	Glass bangle	833 dozen
2	Gunny bags (new)	3

(Control) Order No. 1/54 dated 10th May 1954 read with the public notice No. 4744 dated 23rd March 1955 issued by the Joint Chief Controller of Exports and Imports, and deemed to have been issued under Section 19 of the Sea Cust. Act, 1878. Now therefore any person claiming the goods is hereby called upon to show cause to the Dy. Collector of Central Excise and Land Customs, Bombay why the above mentioned goods along with the empty bags should not be confiscated under Sections 167(8) and 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned goods or to show cause against the action proposed to be taken within 30 days from the publications of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10(93)Cus/58.]

H. C. BAHRI, Deputy Collector.

## CENTRAL BOARD OF REVENUE

### ESTATE DUTY

*New Delhi, the 20th August 1958*

**S.O. 1756.**—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendment in its notification No. 10-ED., dated the 1st June, 1954, namely:—

In the said notification, after the words “the headquarters of which lies within the municipal limits of the city of Calcutta”, the following words shall be inserted, namely:—

“excluding the Income-tax Circle having jurisdiction over the District of Howrah”.

#### *Explanatory Note*

(This note is not part of the amendment but is intended to be merely clarificatory.)

The estate duty cases arising within the territorial jurisdiction of the Income-tax Officer, Howrah will henceforward be dealt with by the Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Calcutta (Mofussil) and not by the Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Calcutta as hitherto before.

[No. 44/F. No. 21/52/58-E.D.]

**S.O. 1757.**—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendments in its notification No. 37/F. No. 21/4/56-E.D., dated the 25th June, 1956 as amended by its notification No. 8/F. No. 21/44/57-E.D., dated the 10th June, 1957, namely:—

In the said notification, after item (5), the following items shall be inserted, namely:—

“(6) Howrah—Range V

(7) Asansol—Range V.”

#### *Explanatory Note*

(This note is not part of the amendments but is intended to be merely clarificatory.)

The estate duty cases arising within the territorial jurisdiction of the Income-tax Officer, Howrah will henceforward be dealt with by the Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Calcutta (Mofussil) and not by the Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Calcutta as hitherto before.

2. The notification as amended also provides for the estate duty cases arising in the newly created Income-tax Circle known as “Income-tax Circle, Asansol” to be dealt with by the Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Calcutta (Mofussil).

[No. 45/F.No.21/52/58-E.D.]

P. K. GHOSH, Under Secy.

## MINISTRY OF COMMERCE & INDUSTRY

### ORDER

*New Delhi, the 19th August 1958*

**S.O. 1758.—IDRA/6/12/Am.(4).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, read with rule 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri Jayantilal K. Anjarla to be a member of the Development Council for the scheduled industries engaged in the manufacture and production of textiles made of wool, including woollen yarn, hosiery, carpets and druggets, in place of Shri Manoobhai Doongursee who has resigned, and makes the following amendment in the order of the Government of India in the Ministry of Commerce & Industry No. S.R.O. 2820/IDRA/6/12, dated the 31st August 1957, namely:—

In the said Order, under the category of members "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries" for entry No. 14C relating to Shri Manoobhai Doongursee, the following entry shall be substituted, namely:—

"14C. Shri Jayantilal K. Anjarla, President, The All India Wool Trade Federation, C/O. Messrs Walker Anjarla & Sons, Limda Lane, Jamnagar."

[No. 5(23)IA(II)(G)/57.]

A. K. CHAKRAVARTI, Under Secy.

## MINISTRY OF STEEL, MINES & FUEL

(Department of Mines & Fuel)

*New Delhi, the 7th August 1958*

**S.O. 1759.**—Whereas by a notification of the Government of Madhya Pradesh in the Department of Natural Resources & Scientific Research No. 90-N-VII/57 dated 1st February, 1957 and Corrigendum No. 175-N-VII dated 23rd March, 1957 under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (1 of 1894), it was notified that the land described in the Schedule appended to that notification was needed or was likely to be needed for a public purpose, namely, for the prospecting of coal seams for the development of the State Collieries to be worked by the Union of India.

And whereas no objection was made to the acquisition of the land aforesaid;

And whereas the Central Government, after consulting the Government of Madhya Pradesh is satisfied that—

- (a) the lands measuring 145.75 acres described in Schedule A appended hereto; and
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 2141.50 acres described in Schedule B appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the lands measuring 145.75 acres described in the said Schedule A and the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 2141.50 acres described in the said Schedule B, are hereby acquired.

The plans of the areas covered by this notification may be inspected in the office of the Deputy Commissioner, Surguja (M.P.), or in the office of the Coal Controller, 1, Council House Street, Calcutta, or in the office of the National Coal Development Corporation (P.) Ltd., (Revenue Section) Darbhanga House, Ranchi.

## SCHEDULE 'A'

Korea Block—II (Block—'B') (A. R.) Plan No. LA/15/58.

Sl. No.	Name of the Village	Tahsil	No.	District	Area	Remarks
1	Bhukhbhuki	Manendragarh	156	Surguja	105.35 acres	Part
2	Forest	Manendragarh	..	Surguja	approx.	
Total					105.35 acres (Ap).	

Plot Nos. to be acquired in village Bhukhbhuki:— 1, 2/1, 2/2, 3(Part) 4(Part), 5, 6, 7, 8/1 (Part) 9-10, 11, 12(Part), 13, 14(Part), 16(Part), 17(Part) and Govt. forest (Part).

## Boundary description

Q-T line passes through the Plot Nos.—12, 4, 3 and Govt. Forest.

T-I-S line passes through the Government forest and Plot Nos. 8/1, 17, 24, and 16 of village Bhukhbhuki.

S-R line passes through the Plot Nos: 16, 9-10, & 14 of village Bhukhbhuki.

R-Q line passes through the Plot Nos: 14 and 12 of village Bhukhbhuki.

Korea Block-II (Block "C"), (A.R.)

Plan No. LA/15/58.

Sl. No.	Name of the village	Tahsil	No.	District	Area	Remarks
1	Bhukhbhuki	Manendragarh	156	Surguja	40.40 Acres (Approx).	Part
2	Govt. forest	Manendragarh	..	Surguja		
Total					40.40 Acres (Approx).	

Plot Nos. to be acquired in village Bhukhbhuki.—36(Part), 39(Part) Government forest part.

## Boundary description

A-B line passes through the Government forest.

B-P line passes through the Govt. Forest and Plot Nos. 39, & 36.

P-A line passes through Plot Nos.: 36, 39 and Govt. forest.

## SCHEDULE "B"

Plan No. LA/15/58.

(Showing lands where rights to mine quarry, bore, dig and search for win, work and carry away minerals are to be acquired)

Korea Block-II (Block "A") (M.R.)

Sl. No.	Name of the village	Tahsil	Tahsil No.	District	Area	Remarks
1	Bhukhbhuki	Manindragarh.	156	Surguja	1088 Acres (Appx.)	Part.
2	Chirimiri	Manindragarh.	53	Surguja		
3	Govt. Forest	Manindragarh.	..	Surguja		
Total:—					1088 Acres (Approximate)	

Plot Nos. to be acquired in village Chirimiri: —79(Part), 80(Part), 82(Part), 91(Part), 92(Part), 93(Part), 95, 96, 97(Part), 98(Part), 102(Part), 104(Part), 105(Part), 182(Part), 185 (Part) & Govt. Forest (Part).

*Plot Nos. to be acquired in village Bhukhbhuki*:—8/1 (Part), 8/2, 9-10(Part), 12(Part), 14(Part), 15, 16(P), 17(P), 18/1(Part), 18/2(Part), 19(Part), 20(Part), 21/1(Part), 21/2, 21/3, 22/1(Part), 22/2, 23, 24(Part), 25, 26, 27, 28, 29(Part), 30, 31, 32(Part), 33(Part), 34(Part), 35(Part), 36(Part), 39(Part), 40, 43(Part), & Govt. forest (Part).

#### *Boundary description*

A—P line passes through the Govt. forest and Plot Nos.:—39, & 36 of village Bhukhbhuki.  
 P—C line passes through the Plot Nos.:—36, 35, of village Bhukhbhuki.  
 C—D line passes through the Plot Nos.:—35, 36, 34, 24, 32, 33, 29, 20, 21/1, 19, 22/1, 18/2  
 D—Q line passes through the plot Nos.:—18/2, 18/1, 19 & 12.  
 Q—R line passes through the plot Nos.:—12 & 14.  
 R—S line passes through the Plot Nos.:—14, 9-10, & 16.  
 S—I—T line passes through the Plot Nos.:—16, 17, 24, 8/1 & through the Govt. forest.  
 T—E line passes through the Govt. forest and along the eastern boundry of Khurasia colliery.  
 E—F line passes along the northern boundry of Khurasia colliery upto plot No. 79.  
 F—G line passes through the plot No.:—79, 80, 82, 92 & 91 of village Chirimiri and Govt. forest.  
 G—H—I—J—K—L—M line passes through Govt. forest.  
 M—N line passes through the Govt. forest, and Plot No. 43 of village Bhukhbhuki.  
 N—O line passes through the Plot No. 43, 39 of Village Bhukhbhuki and Govt. forest.  
 O—A line passes through the Govt. forest.

#### *Korea Block-I (M.R.)*

*Plan No LA/14/58*

Sl. No.	Name of the village.	Tahsil	Tahsil No.	District	Area	Remarks
1	Khurasia	Baikunthpur	60	Surguja.	305.40	Acres Part. (Approx).
2	Forest.	Baikunthpur	..	Surguja.	748.10	Acres Part. (Approx).
Total :—					1053.50	Acres (Approx.)

*Plot Nos. to be acquired in village Khurasia*:—1, 2, 3, 4(Part), 5 to 77 and Govt. forest (Part).

#### *Boundary description.*

A—B line passes along the eastern boundry of West Chirimiri Colliery.  
 B—C line started from the eastern boundry of West Chirimiri colliery and passes through Plot No. 4 of village Khurasia and Govt. forest.  
 C—D line passes through the forest.  
 D—A line passes through the Govt. forest and along the northern boundary of North Chirimiri colliery upto the boundary of West Chirimiri colliery.

[No. C2-6(15)/57.]

*New Delhi, the 18th August 1958*

**S.O. 1760.**—Whereas by a notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.R.O. 254 dated the 15th January, 1958, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the lands in the locality specified in the Schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of the said lands.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to acquire—

(a) the lands measuring 314 acres described in Schedule 'A' appended hereto; and

- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 592.75 acres described in Schedule B appended hereto.

The plans of the areas covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation (Private) Ltd. (Revenue Section) "Darbhanga House", Ranchi.

Any person interested in the aforesaid land may, within 30 days of the issue of this notification, file objection to the acquisition of the whole or any part of the land or of any rights in or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

#### SCHEDULE 'A'

##### Block-II (Sael 'D')

Plan No HQ/304

Showing lands to be acquired.

Name of Village	Thana No.	Name of Thana	District	Area to be acquired	Remarks
I Sael	23	Ramgarh	Hazaribagh	104.80 Acres.	Part
Total :—				104.80 acres (approximate)	

Plot Nos. to be acquired.—1 (Part), 2 (Part), 3 (Part), 4 (Part), 6 (Part), 7 (Part), 9 (Part).

##### Boundary description

AB line passes along the centre line of River Damodar.

BCDE line passes through Plot Nos. 9, 7, 6 & 4.

EA line passes through plot Nos. 4, 3, 2 & 1.

##### Block—III

Name of Village	Thana No.	Name of Thana	District	Area to be acquired.	Remarks.
I. Sael	23	Ramgarh.	Hazaribagh	209.20 Acres.	Part.
Total :				209.20 acres (approximate)	

Plot Nos. to be acquired.—2 (Part), 3 (Part), 4 (Part), 155 (Part), 160 (Part), 161 to 168, 170 (Part), 171 (Part), 254 (Part), 257 (Part), 258, 259 (Part), 260, 261 (Part), 262, 263 (Part), 264 (Part), 272 (Part), 602, 603, 604, 605 (Part).

##### Boundary description

JFG line passes through the Plot Nos. 2, 3, 4, 261, 155, 160 up to the village boundary in the east.

GH line passes along the common boundary of Sael and Saunda villages.

HI line passes through the Plot Nos. 605, 171, 170, 254, 259, 257, 272, 263, 264.

IJ line passes through the Plot Nos. 264, and 2.

#### SCHEDULE 'B'

##### Block-IV (Sael 'D')

(Showing lands where rights to mine, quarry, bore, dig and search for win, work and carry away minerals are to be acquired).

Plan No. HQ 304

Name of Village	Thana No.	Name of Thana	District	Area to be acquired	Remarks
Sael	23	Ramgarh	Hazaribagh	592.75 Acres	Part.
Total :				592.75 Acres (approximate)—	

Plot Nos. to be acquired.—1(Part), 2(Part), 3(Part), 4(Part), 169, 170(Part), 171(Part), 172 to 253, 254(Part), 255, 256, 257(Part), 259(Part), 263(Part), 264(Part), 265 to 271(Part), 273 to 601, 605(Part), 606 to 615.

*Boundary description*

AE line passes through Plot Nos. 1, 2, 3, & 4.  
 EF line passes through Plot No. 4.  
 FJ line passes through Plot Nos. 4, 3, & 2.  
 JI line passes through Plot Nos. 2 & 264.  
 IH line passes through Plot Nos. 264, 263, 272, 259, 257, 254, 171, 170, & 605.  
 HK line is the common boundary of village Sael and Village Saunda.  
 KL line is the common boundary of village Jainagar & village Sael.  
 LMNO line is the common boundary of village Sael & village Patratu.  
 OP line passes through the River Damodar upto the centre of the River.  
 PA line passes along the centre of River Damodar.

[No. C2-20(23)/58.]

**S.O. 1761.**—Whereas by a notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.R.O. 253 dated 15th January, 1958 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to prospect for coal in the lands in the locality specified in the Schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of the said lands.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to acquire the lands measuring 131·85 acres described in Schedule 'A' appended hereto.

The plans of the areas covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation (P) Ltd., (Revenue Section) "Darbhanga House", Ranchl.

Any person interested in the aforesaid lands may, within 30 days of the issue of this notification, file objection to the acquisition of the whole or any part of the lands or of any rights in or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

**SCHEDULE 'A'**

(Showing lands to be acquired)  
 Block-I (Sayal A)

Plan No. HQ/305

Name of Village	Thana No.	Name of Thana	District	Area to be acquired	Remarks
1. Sael	23	Ramgarh	Hazaribagh	131·85 Acres	Part.
TOTAL:—				131·85 Acres (approximate)	

*Plot Nos. to be acquired*

5(Part), 6(Part), 7(Part), 8, 9(Part), 10, 11, 12(Part), 13(Part), 82(Part), 84(Part), 85.

*Boundary description*

AB line passes along the Centre line of Damodar River.  
 BC line passes through Plot Nos. 9, 7, 12, & 13.  
 CD line passes through Plot Nos. 12, 82, 84, 5 & 6.  
 DEFA line passes through Plot Nos. 6, 7 & 9.

[No. C2-20(23)/58.]

A. S. GREWAL, Under Secy.



[No. 6-4/57-Com.I.]

*New Delhi, the 5th August 1958*

**S.O. 1764.**—In pursuance of Section 4(v) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government hereby nominate Shri Bhupendra Kumar Sethi as a member of the Indian Central Cotton Committee, Bombay for a period of 3 years with effect from 1st April 1958, to represent the Cotton manufacturing or Ginning Industry in Madhya Pradesh.

[No. 1-12/58-Com. II.]

R. D. THAWANI, Under Secy.

**(Department of Agriculture)**

**(Indian Council of Agricultural Research)**

*New Delhi, the 5th August 1958*

**S.O. 1765.**—In pursuance of sub-sections (e) and (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby appoint the following persons as members of the Indian Central Oilseeds Committee, having been nominated by the State Government of Madras:—

- |  |   |
|--|---|
| 1. The Director of Agriculture,<br>Madras.   | Representing Madras<br>Government under<br>Section 4(f).      |
| 2. Shri R. Venkatasubba Reddier,<br>Advocate, Tindivanam,<br>(South Arcot District). | Representing growers<br>of oilseeds of Madras<br>section 4(f) |

The tenure of their office will be for a period of 3 years commencing from 1st April, 1958.

[No. 6-1/58-Com. I.]

**S.O. 1766.**—Under Section 4(x) of the Indian Cotton Cess Act, 1923, the Central Government hereby nominate Shri D. S. Joshi, Textile Commissioner, Bombay, as a member of the Indian Central Cotton Committee, Bombay, upto the 31st December 1958, vice Shri V. Nanjappa.

[No. 1-42/56-Com. II.]

B. S. RAMDAS, Under Secy.

**MINISTRY OF TRANSPORT & COMMUNICATIONS**

**(Department of Transport)**

**(Transport Wing)**

*New Delhi, the 2nd August 1958*

**S.O. 1767.**—The following draft of the rules for registration of motor Vehicles of Diplomatic Officers and Consular Officers which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 24A of the Motor Vehicles Act, 1939 [4 of 1939] is published, as required by sub-section (1) of section 133 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th September, 1958.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

**DRAFT RULES**

1. *Short title and commencement.*—(1) These rules may be called the Motor Vehicles (Registration by Diplomatic and Consular Officers) Rules, 1958.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires—

- (a) "the Act" means the Motor Vehicles Act, 1939 [4 of 1939];
- (b) "Form" means a form appended to these rules;
- (c) "prescribed" means prescribed by rules made by the State Government under the Act;
- (d) "registering authority concerned" means the authority empowered to register motor vehicles under Chapter III of the Act, exercising jurisdiction in respect of the place of residence of a Diplomatic or Consular Officer where his vehicle is normally kept.
- (e) words and expressions used in the Act and not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. *Registration, how to be made.*—(1) An application for registration of a motor vehicle under section 24A of the Act by or on behalf of any Diplomatic or Consular Officer shall be made in quadruplicate in Form 'A' and shall contain the information required by that form.

*Explanation.*—For the purposes of these rules, a motor vehicle owned by a Diplomatic Mission or Consular Office shall be deemed to be owned by the Head of the Mission or the Consular Office, as the case may be.

(2) Every application under sub-rule (1) shall be addressed—

- (a) in the case of a Diplomatic Officer or a Consular Officer who has his residence in Delhi where the vehicle is normally kept, to the Secretary to the Government of India in the Ministry of External Affairs (Protocol Division);
- (b) in the case of a Diplomatic Officer or a Consular Officer who has his residence at any other place, to the Chief Secretary of the State Government.

(3) The Ministry of External Affairs, in the case of a Diplomatic Officer or a Consular Officer residing in Delhi, and the Chief Secretary of the State Government in the case of any other Diplomatic Officer or Consular Officer, as the case may be, shall forward two copies of the application to the registering authority concerned with a statement certifying the status of the person applying for registration and indicating whether or not is entitled to exemption from payment of registration fees and shall return one copy of the application with the above statement to that person. The Ministry of External Affairs or the Chief Secretary of the State Government as the case may be, may retain one copy of the application for record.

(4) The registering authority concerned shall, upon presentation of the application to it, duly endorsed under the provisions of sub-rule (3), by or on behalf of a Diplomatic Officer, or a Consular Officer, register the vehicle in the name of that officer;

Provided that the application by or on behalf of a Consular Officer who is not entitled to exemption from payment of registration fees shall also be accompanied by the prescribed fee.

(5) The registering authority concerned shall issue to the owner of a motor vehicle registered by it under sub-rule (4), a certificate of registration in Form 'B' and shall enter in a record to be kept by it particulars of such certificate. The certificate of registration so issued shall be sent to the person applying for registration by registered post acknowledgement due, or be delivered by hand personally to that person at the address given in the application for registration, or at his last known address, as the case may be.

(6) The registering authority concerned shall assign to the vehicle for display thereon in the manner specified in rule 4 a distinguishing mark (in these rules referred to as the registration mark) consisting of the letters 'CD' in the case of a motor vehicle belonging to a Diplomatic Officer and the letters 'CC' in the case of a motor vehicle belonging to a Consular Officer, followed by a number containing not more than four figures.

4. *Exhibition of registration marks.*—(1) The registration mark to be assigned under sub-rule (6) of rule 3 shall be clearly and legibly exhibited on a plane surface of a plate—

- (i) with deep blue background, the registration mark and the number being in white, in the case of a motor vehicle of a Diplomatic Officer;

(ii) with yellow background, the registration mark and the number being black, in the case of a motor vehicle of a Consular Officer; both at the front and rear, facing to the front or rear, as the case may be, and in the manner hereinafter specified.

(2) The registration mark shall be in English letters and numerals and

(i) save in the case of a motor cycle or an invalid carriage, the letters shall be not less than  $2\frac{1}{2}$  inches high and  $5/8$ th inch thick at any part, the numerals shall be not less than  $3\frac{1}{2}$  inches high and  $3/4$  inch thick at any part, and there shall be a space between any letter and any numeral and between any letter or any numeral and the edge of the plane surface of not less than  $\frac{1}{4}$  inch and a space between any two letters and between any two numerals of not less than  $3/8$ th inch; and

(ii) in the case of a motor cycle or an invalid carriage, of dimensions not less than  $2/3$ rds of those specified in clause (i).

(3) The plane surfaces aforesaid shall not be inclined from the vertical by more than 30 degrees. The letters and numerals shall be exhibited as follows, that is to say—

(i) in the case of a transport vehicle other than a motor cab, both registration marks shall exhibit the letters and numerals in two separate horizontal lines, the letters above and the numerals below; and

(ii) in all other cases, the registration marks may exhibit the letters and numerals either in two horizontal lines as aforesaid or in one horizontal line.

(4) Notwithstanding anything contained in sub-rule (1), the registration mark exhibited at the front of a motor cycle or an invalid carriage may be displayed on a plate in line with the axis of the vehicle and shall, in such case, be displayed on both sides of the plate.

5. *Acquisition of number plate.*—The place referred to in rule 4 with the registration mark assigned to the vehicle exhibited thereon shall be obtained on payment from the registering authority concerned by the owner of the vehicle and only a plate so obtained shall be used.

6. *Production of vehicle at time of registration.*—The registering authority concerned may, before proceeding to register a motor vehicle under these rules, require the person applying for registration to produce the vehicle before it or such other authority as the State Government may by order appoint in this behalf in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of Chapter V of the Act and of the rules made thereunder.

7. *Assignment of fresh registration mark on removal of vehicle to another State.*—(1) When a motor vehicle registered in accordance with these rules in one State has been kept in another State for a period exceeding twelve months, the owner of the vehicle shall apply for the assignment of a new registration mark.

(2) Every application under sub-rule (1) shall be made in quadruplicate in Form 'C' and shall be addressed—

(a) in the case of a Diplomatic Officer or a Consular Officer who has his residence in Delhi, to the Secretary to the Government of India in the Ministry of External Affairs (Protocol Division);

(b) in the case of any other Diplomatic or Consular Officer, to the Chief Secretary of the State Government concerned.

(3) The Ministry of External Affairs or the Chief Secretary of the State Government concerned, as the case may be, shall forward two copies of the application to the registering authority, within whose jurisdiction the vehicle then is, with a statement certifying whether the person making the application continues to be a Diplomatic Officer or a Consular Officer, and shall return one copy of the application to that person. The Ministry of External Affairs or the Chief Secretary to the State Government concerned as the case may be, may retain one copy of the application for record.

(4) The registering authority within whose jurisdiction the vehicle then is, shall, upon presentation to it of the application, duly endorsed under sub-rule (3) and the original certificate of registration by or on behalf of a Diplomatic or

a Consular Officer, assign the vehicle a fresh registration mark in accordance with the provisions of sub-rule (6) of rule 3 and issue on payment and on surrender of the old number plate, a new number plate with the fresh registration mark exhibited thereon, to be carried thenceforth on the vehicle, and shall enter the mark upon the certificate of registration before returning it to the applicant. The registering authority shall also, in communication with the registering authority concerned which had previously registered the vehicle, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

8. *Re-registration of existing vehicles of Diplomatic Officers and Consular Officers.*—Within three months from the commencement of these rules every motor vehicle of a Diplomatic Officer or a Consular Officer, which has been registered before such commencement under section 24 of the Act, shall be re-registered and shall be assigned registration marks in accordance with these rules. The registering authority concerned shall also issue to the owner of such vehicle a certificate of registration under sub-rule (5) of rule 3.

9. *Sale transfer or disposal of motor vehicles.*—(1) Where a motor vehicle registered in accordance with these rules is sold, transferred or otherwise disposed of, the transferor shall, within fourteen days of the sale, transfer or disposal, report the fact of the sale, transfer or disposal, as the case may be, to the registering authority within whose jurisdiction the transfer is effected and shall simultaneously send copies of the said report to—

- (a) the transferee;
- (b) the Government of India in the Ministry of External Affairs (Protocol Division) or the Chief Secretary of the State Government concerned as the case may be;
- (c) the Collector of Customs of the port of importation of the vehicle, and where it is not possible to locate the port of importation to the Collector of Central Excise or Customs nearest to the head-quarters of the transferor;
- (d) the original registering authority in whose records the registration of the vehicle is recorded, if the sale, transfer or disposal is effected in the jurisdiction of another registering authority;

and shall also surrender the number plate in respect of the vehicle to the registering authority in whose records the registration of the vehicle is recorded, when the sale, transfer or disposal of the vehicle is to a person other than a Diplomatic Officer or a Consular Officer.

(2) Where the transferee is a Diplomatic Officer or a Consular Officer, an application by or on his behalf for registration of the vehicle shall be made under section 24A of the Act and thereupon the provisions of rules 3, 4, 5, and 6 shall apply.

10. *Suspension and cancellation of Registration.*—If under the provisions of section 33 or section 34 of the Act the registration of a motor vehicle made in accordance with these rules is suspended or cancelled, then a copy of the order of suspension or cancellation shall be sent to the Government of India in the Ministry of External Affairs (Protocol Division) or the Chief Secretary of the State Government concerned, as the case may be, in addition to each authority or person to whom a copy has to be sent under those sections.

#### FORM A

*Form of application for the Registration of a Motor Vehicle by or on behalf of a Diplomatic/Consular Officer.*

[See rule 3(1)]

1. Full name, designation and address of the Diplomatic Officer/Consular Officer/Full name, address and station of the Diplomatic Mission/Consular Office or post.....

2. Age of the person to be registered as registered owner.....

3. Name and address of the person from whom the vehicle was purchased/ name of the port through which the vehicle was imported/Name of the person or company from whose bonded stocks the vehicle was purchased and the name of the port

4. Country from which imported
5. Class of Vehicle
6. Type of body
7. Maker's name
8. Year of manufacture
9. Number of cylinders
10. Horse power
11. Maker's classification or, if not known, wheel-base
12. Chassis number
13. Engine number
14. Seating capacity (including driver)
15. Unladen weight
16. Particulars of previous registration and registered number (if any)
17. I hereby declare that this vehicle has not been registered in any other State in India.

Additional particulars to be completed only in the case of transport vehicles other than motor cars.

18. Colour or colours of body, wings and front end

Additional particulars to be completed only in the case of transport vehicles other than motor cars.

19. Number, description and size of tyres—

- (a) front axle
- (b) rear axle
- (c) any other axle

20. Maximum laden weight lbs.

21. Maximum axle weight—(To be furnished in the case of heavy motor vehicles only)

- (a) front axle lbs.
- (b) rear axle lbs.
- (c) any other axle lbs.

The above particulars are to be filled in for a rigid frame motor vehicle of two or more axles.

Signature of Applicant.

For use in the Ministry of External Affairs (Protocol Division) or in the Office of the Chief Secretary of the State Government concerned.

Certified that

(Name and designation) is a Diplomatic Officer/Consular Officer recognised by the Government of India and that he/she is/is not entitled to exemption from payment of registration fees.

Signature of the Officer

Designation

Place

Date

FORM B

*Form of Certificate of Registration*

[See Rule 3(5) ]

Registered number

Brief Description of vehicle,

(e.g. Fiat 1100 or Hindustan Landmaster car, Willys jeeps, Dodge/Desoto/  
 Fargo petrol/diesel truck, Leyland 36 seater diesel bus, trailer etc.)

Full name, designation and address of the Diplomatic Officer/Consular Officer/  
 Full name, address and station of the Diplomatic Mission/Consular Office or post.....

Signature of registering authority

Transferred to

Signature of registering authority.

Transferred to

Signature of registering authority.

Detailed Description.

1. Class of vehicle
2. Maker's name
3. Type of body
4. Year of manufacture
5. Number of cylinders
6. Chassis number
7. Engine number
8. Horse power
9. Maker's classification, or, if not known, wheel base
10. Seating capacity (including driver)
11. Unladen weight

Additional particulars in the case of all transport vehicles other than motor cars

12. Colour or colours of body, wings and front end

Additional particulars in the case of all transport vehicles other than motor cars.

13. Registered laden weight

14. Number, description and size of tyres

- (a) front axle
- (b) rear axle
- (c) any other axle

15. Registered axle weight (in the case of heavy motor vehicles only):—

- |                    |      |
|--------------------|------|
| (a) front axle     | lbs. |
| (b) rear axle      | lbs. |
| (c) any other axle | lbs. |

Signature of registering authority.

Dated

19 .

## FORM C

[See rule 7(2)]

*Intimation of change of State of residence and application for assignment of fresh registration mark*

To

The Registering Authority

I

(Name and designation)

of the motor vehicle No. being the, owner of registered at  
 under section 24-A of the Motor Vehicles Act, 1939, hereby declare that I have, since the day of 19 kept the said motor vehicle in the State of and hereby apply for assignments to the motor vehicle of a fresh registration mark.

I enclose the certificate of registration and the certificate of fitness of the vehicle.

Date

19 .

Signature or thumb impression of the owner.

\*Strike out the words "and the certificate of fitness" if inapplicable.

For use in the Ministry of External Affairs (Protocol Division)  
 or in the Office of the Chief Secretary of the State Government concerned.

Certified that

(Name and designation)

continues to hold the status of a Diplomatic Officer. He/She is at present stationed at

Consular Officer.

Signature of the Officer

Designation

Place

Date

[No. 27-T(9)/53].

A. S. BHATNAGAR. Dy. Secy.

(Dept. of Transport)

(Transport Wing)

PORTS

New Delhi, the 30th August 1958

**S.O. 1768.**—In pursuance of sub-section (2) of section 6 of the Calcutta Port Act, 1890 (Bengal Act III of 1890), it is hereby notified that in accordance with the provisions of section 15 of the said Act Shri I. M. Thapar of Messrs. Karamchand Thapar Bros. (Private) Ltd., 12, India Exchange Place, Calcutta, has been elected by the Indian Chamber of Commerce, Calcutta to be a Commissioner for the Port of Calcutta vice Shri R. H. Mody who has been granted leave of absence from the Commissioners' meetings upto the 7th October, 1958.

[No. 9C-PG(78)/58.]

Miss I. INDIRA, Under Secy.



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**(Department of Communications)****(P. & T.)***New Delhi, the 19th August 1958*

**S.O. 1769.**—In exercise of the powers conferred by section 9 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendment in the Indian Post Office Rules, 1933, namely:—

For the proviso to clause (d) of sub-rule (1) of rule 30 of the said Rules, the following shall be substituted, namely:—

“Provided that in no case shall any issue be posted on more than one day or date with the exception of a weekly, fortnightly or monthly newspaper, which may be posted on two consecutive days falling within the same week from Monday to Sunday and in case the second consecutive day is a Sunday or a gazetted holiday, on the succeeding day; provided further that the facility of posting registered newspapers on Sunday shall be available in such offices only as remain open on Sunday.”

[No. 5/19/57-CL.]

K. K. SARAN, Dy. Secy.

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**(Department of Communications)****(P. & T.)***New Delhi, the 19th August 1958*

**S.O. 1770.**—In exercise of the powers conferred by sub-section (2) of section 16 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendment in the Indian Post Office Rules, 1933, namely:—

In item (uu) of rule 183 of the said Rules for the word “Kharagpur” the words “Kharagpur and Bombay” shall be substituted.

[No. 24/12/58-CL.]

B. G. DESHMUKH, Under Secy.

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**MINISTRY OF RAILWAYS****(Railway Board)***New Delhi, the 21st August 1958*

**S.O. 1771.**—In exercise of the powers conferred by section 82-B of the Indian Railways Act, 1890 (9 of 1890) read with sub-rule (1) of rule 4 of the Railway Accidents (Compensation) Rule 1950, the Central Government hereby appoints the District Magistrate, Mandi District, Himachal Pradesh, as an *ex-officio* Claims Commissioner for enquiring into and determining all claims arising out of minor accidents in the area within his jurisdiction.

[No. 893-TGIV/58/3.]

R. E. de Sa, Secy.

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**MINISTRY OF LABOUR & EMPLOYMENT***New Delhi, the 20th August 1958*

**S.O. 1772.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Selected Sudamdih Colliery and their workmen.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 20 OF 1958

## PARTIES:

Employers in relation to the Selected Sudamdih Colliery, P.O. Sindri (Dhanbad)  
and

Their workmen represented by the Colliery Mazdoor Sangh.

*Dated the 4th August 1958*

## PRESENT

Shri Salim M. Merchant, B.A., LL.B., Chairman.

## APPEARANCES

Shri M. P. Narang,  
Partner, with Shri S. C. Narang, Agent,  
for the employers.  
Shri B. N. Sharma,  
Member, Central Executive,  
with Shri Kaushal Bajpai, Branch Secretary,  
of the Colliery Mazdoor Sangh, for the workmen.

State: Bihar.

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II/1(45)/58 dated 1st May, 1958 made in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the employers in relation to the Selected Sudamdih Colliery and their workmen with regard to the justification or otherwise of the retrenchment of 94 miners mentioned in the schedule to the said order.

2. After the usual notices were issued, the Colliery Mazdoor Sangh filed its statement of claim on behalf of the workmen on 12th June, 1958 but the management did not file any written statement in spite of time having been granted on their application for that purpose. Thereafter, at the hearing of this dispute on 4th August, 1958, the parties filed an application stating that the dispute had been amicably settled between them as stated therein and they prayed that an award be made in terms thereof. A copy of the application is annexed hereto and marked Annexure 'A'. After hearing the submissions of the parties, I am satisfied that the terms of settlement are fair and reasonable and I therefore make an award in terms recorded in Annexure 'A', which shall form part of this Award.

No order as to costs.

(Sd.) SALIM M. MERCHANT,

Chairman,  
Central Government Industrial Tribunal, Dhanbad.

Dhanbad,

*The 4th August, 1958.*

## ANNEXURE 'A'

BEFORE THE CHAIRMAN CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD

REFERENCE NO. 20 OF 1958

Employers in relation to the Selected Sudamdih Colliery, P.O. Sindri (Dhanbad)  
*Versus*

Their workmen, represented by the Colliery Mazdoor Sangh, Opp. State Bank  
of India, Dhanbad

The humble petition on behalf of the above named parties most respectfully sheweth:—

1. That the above reference has been amicably settled between the parties on the following terms:—

- (a) Appreciating the management's stand that further working of the Incline No. 7 has become technically difficult and financially unprofitable, the union agrees to the closure of this mine with immediate effect.
- (b) That an agreement was signed between the parties before the Regional Labour Commissioner (C), Dhanbad on 14th June, 1958 for payment of legal dues to 94 miners. The Labour Inspector (C), Patherdih was deputed by the Regional Labour Commissioner to assess the legal dues of each individual.
- (c) That on 18th and 19th July 1958, out of 94 miners, payment of legal dues has been made to 77 (Seventy seven) miners.
- (d) That the names of Soban Manjhi and Ram Mullik have been repeated twice by mistakes.
- (e) No payment could be made to rest 15 whose names are given below as they were not available:—

S. No. of Reference	Name	Designation
4	Luthu Manjhi . . . . .	Minor
6	Ratan Mullick . . . . .	Do
17	Mahadeo Bawri . . . . .	Do
48	Bara Gobadhan Bawri . . . . .	Do
51	Bara Mangal Manjhi . . . . .	Do
55	Chhota Sikanto Mullik . . . . .	Do
56	Sahdeo Mullik . . . . .	Do
57	Sitaram Manjhi . . . . .	Do
69	Sita Ram Mullik . . . . .	Do
72	Shambhu Manjhi . . . . .	Do
76	Matla Manjhi . . . . .	Do
80	Bodi Mullik . . . . .	Do
81	Gurupado Bawri . . . . .	Do
82	Rasu Mullik . . . . .	Do
85	Gaur Mullik . . . . .	Do

- (f) That payment will be made to them by money order within a week from date if they don't come to receive payment at the colliery office.

It is, therefore, prayed most respectfully that the above compromise may kindly be recorded and an award be made in terms thereof.

And for this your petitioners as in duty bound shall ever pray.

(Sd.) KAUSHAL KISHAR BAJPAI,  
Branch Secretary.

For Colliery Mazdoor Sangh, Dhanbad.

(Sd.) MAHINDA PURI,

For Selected Sudamdih Colliery,  
P.O. Sindri.

DHANBAD;

The 4th August, 1958.

[No. LR11/1(45)58.]

**S.O. 1773.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kirkend Colliery of Kirkend Coal Co., P.O. Kusunda, Dhanbad and their workmen.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 20 of 1958

## PARTIES:

Employers in relation to the Kirkend Colliery of Kirkend Coal, G.P.O. Kusunda,  
Dt. Dhanbad.

and

Their workmen.

*Dated the 26th July 1958*

## PRESENT

Shri Salim M. Merchant, B.A., LL.B., Chairman.

## APPEARANCES:

Shri B. K. Roy,  
Manager, for the employers.  
Shri Prasanta Burman,  
Treasurer, Bihar Koyla Mazdoor Sabha, for the workmen.

State: Bihar.

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour & Employment by Order No. LR.II/2(46)/58 dated 10th May, 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the following matter specified in the schedule to the said order:—

“(a) Whether the action of the management Kirkend colliery of Kirkend Coal Co., P.O. Kusunda, Dhanbad, is not allowing Shri Thakuri Sao, a miner of the colliery to resume his duty, is justified and, if not, to what relief he is entitled?”

2. After the usual notices were issued, the General Secretary, Bihar Koyla Mazdoor Sabha, filed the written statement of claim on behalf of the workmen on 27th May, 1958 and the employers filed their written statement in reply on 5th June, 1958, after which the matter was fixed for hearing on 23rd July, 1958. Thereafter, after the parties had made their submissions, the hearing was adjourned to 24th July, 1958 for the parties to consider a suggestion for settlement. On 24th July, 1958 the parties filed the terms of settlement reached between them, copy of which is annexed hereto as Annexure 'A' and prayed that an award be made in terms thereof. As under the terms of settlement, the management have agreed to reinstate Shri Thakuri Sao in his original post of Pick Miner with continuity of service on his reporting for duty within 7 days and has further agreed to pay him Rs. 160 as compensation for the period of his enforced idleness, I consider the terms of settlement as fair and reasonable and I therefore make an award in terms of the settlement reached between the parties. The terms of settlement shall form part of this award.

(Sd.) SALIM M. MERCHANT, Chairman,  
Central Govt. Industrial Tribunal, Dhanbad.

Dhanbad,

The 26th July, 1958

**BEFORE THE CHAIRMAN, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, DHANBAD**

IN THE MATTER OF REFERENCE No. 27 OF 1958

BETWEEN

Employers in relation to Kirkend Colliery

AND

Their workmen.

The above-named parties—

Most respectfully state that the above  
reference has been compromised  
between the parties on the following—

**TERMS**

1. The employer shall reinstate the workman, Thakuri Sao, in his original post of a pick-miner within seven days from this date of compromise on his reporting to the Management for resumption of work.

2. Sri Thakuri Sao's service should remain unbroken, and the period of his idleness from 13th September, 1957 to the date of reinstatement, shall be treated as leave without pay.

3. The employer shall pay the workman a sum of Rs. 160 (Rupees One hundred and sixty) only for the period of his idleness. This will be paid within 15 days from the date of this compromise.

4. The parties will bear their own cost.

It is, therefore, most humbly prayed that the reference may be disposed of on the terms aforesaid and an award may kindly be passed in the terms of this compromise petition.

And for this your petitioners, as in duty bound, shall ever pray.

BARINDRA KRISHNA ROY,  
Manager,  
Kirkend Colliery.

PRASANTA BURMAN.

For Workman.

For Employers.  
Dt. 24-7-1958.

Dt. 24-7-1958.

Explained in Hindi by me to the Workman.

(Sd.) THAKURI SAO.  
[No. LR II-2(46)58.]

PRASANTA BURMAN.

*New Delhi, the 26th August 1958*

**S.O. 1774.**—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947, (14 of 1947), read with the proviso to sub-section (2) of section 1 of the said Act, the Central Government hereby appoints the Labour Inspector (Central) at Ambala as Conciliation Officer for a period of six months for all industrial disputes—

(a) in the State of Punjab and the Union territory of Himachal Pradesh concerning workmen employed in—

(i) any industry carried on by or under the authority of the Central Government other than railways;

(ii) any controlled industry specified by the Central Government under sub-clause (i) of clause (a) of section 2 of the said Act;

(iii) any mine;

(iv) any oil field;

(v) any banking, or insurance company, having branches or other establishments in more than one State.

(b) in the State of Jammu and Kashmir concerning workmen employed under the Government of India.

[No. LRI-1 (61)/58.]

**S.O. 1775.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the Indian Copper Corporation Ltd., Ghatsila, District Singhbhum, and their workmen.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 1 OF 1958.

## PARTIES:

Employers in relation to the Indian Copper Corporation Ltd., Ghatsila, District Singhbhum.

AND

Their workmen.

Dated the 18th August 1958

PRESENT:

Shri Salim M. Merchant, B.A., LL.B.—*Chairman*

## APPEARANCES:

Mr. N. A. B. Hill, General Manager, with Shri K. Ramamoorthi, Labour Officer.—*for the employers.*

Shri H. K. Das, Assistant Secretary, assisted by Shri Chowdhary M. A. Hasnat, General Secretary, and Sardar Guru Baksh Singh, Treasurer. Mosabonani Mines' Labour Union.—*for the workmen.*

Industry: Copper.

State: Bihar.

## AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II/57-1/42/57, dated 4th January 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (14 of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named, in respect of the following matters specified in the Schedule to the said order:—

- “(a) Whether the Award of the Central Government Industrial Tribunal at Calcutta in reference No. I.D. 5 of 1956 published in S.R.O. 515, dated the 12th February 1957 is applicable to the question of payment of bonus to the workmen for the year 1956;
- (b) If the answer to question (a) above is in the affirmative whether the quantum of bonus payable to the workmen on the basis of the annual dividend needs re-consideration on the ground that within the meaning of the January 1957 settlement the dividend for 1956 has been restricted on account of Government order or legislation, and if so what shall be the quantum of bonus payable to the workmen for that year;
- (c) If the answer to question (a) above is in the negative, what shall be the quantum of bonus payable to the workmen for the year 1956;
- (d) Whether the profit sharing bonus for 1956 shall be based on the pay of the individual as on the 30th June 1956, or as on the 31st December 1956, or in the case, of a workman who is no longer in service, the date on which his service with the Corporation was terminated.”

2. I may state that the workmen concerned in this dispute are the workmen employed in the copper mines of the Indian Copper Corporation Limited (hereinafter referred to as the Company) situated at Mosabani. The company also owns a factory at Moubhandar and an identical industrial dispute with regard to those workmen has been referred to me by the Government of Bihar by Notification, dated 9th January 1958 also made under Section 10(1)(d) of the Industrial Disputes Act, 1947, which has been numbered as Reference No. 2 of 1958. As the employers and the subject matters of the two references were common, at the request of the parties, I heard the two disputes together at Jamshedpur.

3. After the usual notices were issued on the parties, the General Secretary of the Mosabani Mines Labour Union (hereinafter referred to as the Union) which represents the workmen at the mines, filed its statement of claim on 10th February 1958 and the Company filed its written statement in reply on 27th February 1958 after which this dispute along with the dispute in Reference No. 2 of 1958 was heard at Jamshedpur between the 25th to 27th June 1958. I may say that an earlier hearing could not be fixed as there was a preliminary hearing at Calcutta of this reference and of Reference No. 2 of 1958 on 13th May 1958 and as the written statement on behalf of a section of the workmen in the latter reference was not filed till 18th June 1958.

4. The dispute is with regard to the profit sharing bonus for the company's financial year 1956 and the first issue under reference is whether the Award, dated 31st January 1957 of the Industrial Tribunal at Calcutta in Reference No. I.D. 5 of 1956, is applicable to the payment of that bonus. For the year 1956 the company has paid bonus equivalent to 22 weeks basic wages to its workmen employed both in the copper mines at Mosabani and in its factory at Moubhandar and the company's case is that that bonus is properly paid under the Award in Reference No. I.D. 5 of 1956, which is applicable to the bonus for 1956. The workmen both at the mine and the factory contend that the Award in Reference No. 5 of 1956 does not apply to the bonus for 1956 and they claim that on the profits earned by the company, the workmen are entitled to be paid in addition to the 22 weeks' basic wages as bonus already paid, an additional bonus equivalent to 12 weeks' basic wages. It is, therefore, necessary, to give a brief account of the manner in which bonus was calculated and paid in the past as also of the events which have led up to the present reference.

5. It appears that in this company from the beginning the profit sharing bonus paid to its workmen for any particular year has been linked with the percentage of dividend paid for that year to its shareholders. So far back as in 1949 Shri Varma the then Industrial Tribunal at Dhanbad, to whom the question was referred linked the payment of bonus to the dividends paid to the shareholders. Later in 1953 the dispute between the company and its workmen employed in its mine at Mosabani with regard to the profit sharing bonus for 1951 and subsequent years was referred by Government for adjudication to Shri L. P. Dave, the then Central Government Industrial Tribunal at Dhanbad, who by his Award published in November 1953, upheld the company's practice of linking the profit sharing bonus with the annual dividend, and directed that "the rate of bonus for 1951 onwards should be one week's wages for every two per cent. or part thereof of the gross dividends declared by the company." Profit sharing bonus thereafter was paid each year according to this formula, which came to be known as the Dave Formula. This Union, however, terminated the Dave Award as far as it concerned the payment of profit sharing bonus, under Section 19 of the Industrial Disputes Act, 1947, by giving two months' notice, dated 14th January 1955. The company, however, paid bonus for the years 1954 and 1955 according to the Dave Formula and the same was accepted by the workmen, but the union contends that the bonus for 1955 was accepted by the workmen under protest. Be that as it may, after terminating the Dave Award the Union claimed that the bonus for each year should not be linked with the dividends paid, but with the net profits earned. An industrial dispute having arisen over this and other demands, and upon a joint application of the parties, the Government of India by Notification No. LR.11-2(59)/55, dated 8th November 1956 referred the dispute for adjudication to Shri R. K. Basu (hereinafter referred to as the Basu Tribunal). The reference was numbered as No. I.D. 5 of 1956. I may pause and state that in their joint application to Government for reference of this dispute the parties had agreed that the Award of the Tribunal would be binding on the parties for a period of 3 years from the date of the Award. Now, item No. 4 in that reference related to the payment of profit sharing bonus and was in the following terms:—

"The existing Profit Sharing Bonus Scheme be revised and linked to net profit instead of with dividend as at present. Thirty per cent. of the net profit should be distributed to the workmen as bonus in proportion to their monthly basic pay. This bonus should be paid *pro rata* to the period of services rendered by the workmen concerned during the year to which the bonus relates and the minimum qualifying period should be six months. It should be paid at the rate of the last pay drawn in the year to which it relates."

6. When this dispute was pending before Shri Basu on 16th January 1957 and 17th January 1957, the parties to the dispute arrived at settlements before Shri S. S. Imam, Conciliation Officer (Central), and Shri Basu made an award

in terms of those settlements. The award of the Basu Tribunal in Reference I.D. 5 of 1956 is dated 31st January 1957 and is published in the Gazette of India, Part II, Section 3, dated 16th February 1957 at pages 314 to 324 (Annexure B to the company's written statement), and this is the award referred to in Issue 1 to the Government order of reference herein. It may be noticed that the settlement reached before the Conciliator, covered the workmen in the company's mines at Mosabani as well as the workmen in the factory at Moubhandar. The settlement on the demand for bonus—Item No. 4 before the Basu Tribunal—was as follows:—

"It has been agreed that the profit sharing bonus should remain linked with dividend as at present. With effect from 1st January 1957, the additional provisions of the 1953 Mines Award, concerning the payment of Bonus after 6 months' service on a *pro rata* basis will be extended to the Moubhandar employees. The Profit Sharing Bonus will be based on the pay of the individual as at the 31st December each year, or the date on which his service with the Corporation is terminated. The recent or future issues of Bonus Shares will not affect the basis on which Profit Sharing Bonus is calculated. In the event of the Company's annual dividend being restricted by Government Order or Legislation it will be necessary to reconsider this issue."

The agreement before the Conciliator further provided that demand under items Nos. 4 and other items before the Basu Tribunal on which agreement was reached should be withdrawn as having been settled by mutual agreement. The two agreements, dated 16th January 1957 and 17th January 1957 are annexed to the Basu Tribunal's Award, as Annexures 'A' and 'B' thereto. With regard to the items of demands before the Basu Tribunal on which agreement was reached between the parties and which the parties agreed to withdraw the Basu Tribunal in its Award observed and directed as follows:—

"The terms of Settlement disclose that as a result of settlement by mutual agreement the following demands covered by items 2 (inclusive of sub-items a to h), 4, 5, 6, 7, 8, 9, 11, 13, 16, and 17 have been withdrawn. In part A of the Memorandum it is stated towards its close that those demands are, "withdrawn as having been settled by mutual agreement". It is to be accepted that the parties have come to an amicable understanding, as a result of mutual discussion and negotiation, prompting them to withdraw those demands. *Apropos* it may be mentioned that in the Memorandum of Settlement Part A terms have been embodied under broad heads touching upon some of the demands withdrawn, such as demands for revision of wage structure and pay of Profit Sharing Bonus Scheme, etc. All these terms shall prevail and shall be binding upon both parties according to their agreement in so far as the pertinent demands among those withdrawn are concerned. The withdrawal of the demands shall, in terms of the settlement, be controlled by the operative terms embodied in the memorandum part A."

It will thus be seen that the Basu Tribunal has on the demand for profit sharing bonus as embodied in item No. 4 before it, made an Award in terms of the settlement which was reached between the parties. It may here be stated that the said agreement provided that the settlement would be binding on the parties for a period of three years, as from 1st January 1957, and the Basu Tribunal also gave a similar direction.

7. For the year 1956 as noticed earlier, the company paid bonus equivalent to 22 weeks wages both to its employees at the mines at Mosabani and the factory at Moubhandar. The bonus was paid in about June 1957 and was calculated and determined on the basis of the dividends at 20 per cent, which the company declared for that year. The company for that year also paid bonus shares to its shareholders at the rate of one bonus share for two shares held, by capitalising a portion of its general reserves. But for the purpose of determining the grossed up dividends the increased capital as the result of the issue of the bonus shares, was not taken into account, otherwise the profit sharing bonus payable would have been only about 14 weeks' basic wages instead of the 22 weeks' basic wages actually paid. The company contends, that in linking the profit sharing bonus for 1956 with the dividends declared for that year it was acting in terms of the Basu Award, which governed the payment of bonus for that year. The Union on the other hand, contended that the Basu Award did not govern the payment of bonus for 1956, because that Award came into force



only from 1st January 1957. It further contended that as the gross profits earned by the company in 1956 were higher than the profits earned by it in 1955, for which year the company had paid a profit sharing bonus of 31 weeks' basic wages, the workmen were entitled to a profit sharing bonus equivalent to 34 weeks' basic wages, i.e., an additional bonus equivalent to 12 weeks' basic pay. Certain correspondence then ensued between the company and the union, but no settlement could be reached and on 16th August 1957 this union gave notice that it would call a token strike of 24 hours on 17th August 1957 as a mark of protest against the inadequate bonus paid for 1956. Later, on 22nd August 1957 this Union gave another notice for general strike to commence from 12th September 1957 if the demand for more bonus for 1956 was not conceded. The matter was thereupon taken up in conciliation by Conciliation Officer (Central), Asansol, and an agreement was reached before him on 28th August 1957 (Exhibit W-B) by which the company agreed to open negotiations and review the position if both the unions at the Mines and at the Factory approached it jointly to reconsider the question of bonus for 1956. Upon this assurance the union agreed to call off the strike. The next meeting was held on 9th September 1957 and thereafter on 14th September 1957, but no settlement could be reached. The matter was subsequently taken up by the Regional Labour Commissioner (Central), Dhanbad, on 2nd December 1957, when the parties agreed to make a joint application to Government to refer the dispute, on the four issues stated in the Order of Reference, to this Tribunal for adjudication under Section 10(2) of Industrial Disputes Act, 1947. (See Annexure 'C' to the Company's written statement.) It may be stated that the Moubhandar Mazdoor Union, representing the workmen of the company's factory at Moubhandar also was a party to this agreement. Government, however, was pleased to refer this dispute not under Section 10(2) but under Section 10(I)(d) of the Industrial Disputes Act, 1947.

8. It will thus be seen that the 4 issues under reference were settled by the parties by mutual agreement and the adjudication of the dispute regarding bonus for 1956 is confined within the compass of those 4 issues. It will further be noticed that the main issue in the reference is issue (a) which is whether the Award of the Basu Tribunal is applicable to the question of bonus for 1956. If the answer to this issue is in the affirmative then only issue (b) is to be considered and not issue (c); and if the answer to issue (a) is in the negative, then only issue (c) is to be considered and not issue (b). Issue (d) under reference is independent of whether the answer to the question in issue (a) is in the affirmative or in the negative, and parties before me were agreed on this point.

9. Issue (a).—The Union's contention as stated in its written statement is that the Basu Tribunal's Award does not apply to the question of Bonus for 1956 as that award had come into operation from 1st January 1957 after the company's financial year 1956, out of the profits of which bonus for 1956 was payable, had ended on 31st December 1956. It further contends that the company in its letter, dated 18th July 1957 which it had addressed to the Union (Annexure A to the Union's written statement) had also stated that the Basu Tribunal's award did not govern the payment of bonus for 1956. The Union also relies on the assurance given by the company before the Conciliation Officer on 28th August 1957 (Exhibit W-B) to reconsider the issue of bonus for 1956 if both the union at the Mine and the Factory jointly approached it with a request to do so. The union further alleges that at the joint discussions which took place on 9th September 1957 and 14th September 1957. The representatives of the workmen told by the management that the Award in respect of profit sharing bonus came into force on 1st January 1957. It has, therefore, urged that the issue (a) should be answered in the negative and under issue (c) the bonus for 1956 should be determined on the basis of the profits which the company had earned in 1956 and not by being linked with the dividends declared for that year. It has in that connection stated that as the gross profits of the company for 1956 were higher than its gross profits for 1955, the workmen were entitled to higher profit sharing bonus than the 31 weeks basic wages which the company had paid as bonus for 1955. It is admitted that in 1955 the gross profits of the company had amounted to £ 1,474,804 out of which the company had paid dividends to its shareholders at the rate of 20 per cent. and had also paid them 25 per cent. as bonus, which had amounted to 61 per cent. of the grossed up dividends, on which, on the basis of the week's basic wage for each 2 per cent. of dividend declared, the company had paid a profit sharing bonus of 31 weeks' basic wages. The Union has argued that as the gross profits for 1956 were £ 1,507,184, which was higher than the profits for 1956, higher dividends ought to have been declared than the 20 per cent. dividends free of income-tax declared to its shareholders and that taking into account the bonus shares of 50 per cent.—one bonus share for

each 2 shares held—which the company had given to its shareholders, the workmen were entitled to payment of 34 weeks' basic wages as profit sharing bonus for 1956, whilst the company had paid them only 22 weeks' wages. The union has contended that the dividends declared by the company in 1956 had become restricted by the various legislative measures adopted by the Central Government and as such the Basu Tribunal's Award was not a bar to the issue of bonus for 1956 being adjudicated on its merits, i.e., primarily on the basis of the profits earned by the company during that year. It was further argued that if it was contended that the company was not restricted by such legislative measures to declare a higher rate of dividend, the provisions of the Basu Tribunal's Award on the question of bonus would not have any binding force upon the workmen. The Union has urged that the basis of the settlement of 16th January, 1957 on the issue of profit sharing bonus was that the company would maintain its progressively high rate of dividend which enabled the workmen to earn bonus at higher rates.

10. The company, on the other hand, contends that the bonus for 1956 is governed by the Basu Tribunal's award and should be linked to dividends and not profits. It has for that purpose relied upon the first clause of the settlement on the issue of profit sharing bonus which provides,

“it has been agreed that bonus should remain linked with dividends as at present.”

With regard to its letter of 18th July 1957, the company has contended that it was written in reply to the Union's letter of that date and that what that letter had stated was that the bonus for 1956, should be determined on the pay of the workmen as on 30th June, 1956 and not on 31st December, 1956 as the Union had claimed in its letter, and therefore the construction put upon the letter by the union was erroneous. The company has further denied that it had during the joint discussions before the Conciliation Officer on 9th September, 1957 and 14th September, 1957 stated that the Basu Tribunal's award on profit sharing bonus did not apply to the profit sharing bonus for 1956. With regard to the Union's contention that the dividend of 20 per cent which the company had declared for 1956 had been restricted by the various legislative enactments which the Central Government had made, the company's reply is that under the settlement of 16th January, 1957 the restriction contemplated was a direct restriction on the dividends and not any indirect restriction by way of increase in the rates of taxation which had been imposed by the Finance Act of 1956.

11. It is no doubt true that the agreements of 16th January, 1957 and 17th January, 1957 (hereinafter referred to as the agreements of January, 1957) provided that the terms of those settlements would remain in operation for a period of 3 years commencing from 1st January, 1957. But it has to be remembered that these settlements covered a large number of demands over which an industrial dispute was raised, which was ultimately referred to the Basu Tribunal. There were as many as 17 demands, some of them containing several sub-demands covering, such diverse subjects as minimum wages and grades and scales of pay for several categories of workmen and their proper classification in those grades, retiring gratuity, medical and educational facilities, computation of overtime, supply of uniforms, provision of electrified quarters fitted with water taps; privilege leave, attendance bonus to underground workers, certain claims of individual workers, grant of various kinds of other bonuses such as hoisting bonus, hot and level bonus etc. etc. Under the agreements reached between the parties, there was a settlement reached on several of these demands and some demands were treated as not pressed. Necessarily therefore some date had to be fixed in the agreement from which date the workers would be paid or otherwise become entitled to the various benefits which they had secured under those agreements. The parties were also agreed that the settlement should remain in operation for a period of 3 years and therefore a starting point had to be fixed from which the benefits granted to the workmen would commence and it was agreed that the starting point would be 1st January, 1957. Now, the point to consider is whether the parties really intended or even contemplated that with regard to profit sharing bonus the settlement and subsequent award would apply, only with regard to the bonus starting with the bonus for 1957 and not for 1956. I am of the opinion that the parties did not contemplate, much less intend, that the settlement on profit sharing bonus should not apply to the bonus for 1956. It must be remembered that by the date of the agreement the bonus for 1955 had already been paid sometime after June, 1956 as in this company the practice has always been that the bonus for the year is paid in or about June of the following

year. The bonus for 1955 had at the date of the agreement been paid in about June of 1956 and the bonus for 1956 was to become payable only in about June, 1957—after the operative date, viz. 1st January, 1957 provided in the settlement and award. The language of the settlement on the demand for profit sharing bonus also supports this conclusion. The very first clause of the terms of settlement or profit sharing bonus states:

“the profit sharing bonus shall remain linked with dividend as at present.”

It is not denied that though the Dave Award was terminated by the union by a two months' notice dated 14th January 1955, yet the profit sharing bonus for 1954 and 1955 was determined by the company by being linked with the dividends and had been paid and accepted on that basis, by the union, without raising any industrial dispute. It is, therefore, clear that by the agreement the union gave up its demand for profit sharing bonus being determined on the basis of the profits and agreed that it should remain linked with dividends, “as at present”. Having given up its demand for linking profit sharing bonus with profits and having agreed that “bonus should remain linked with dividends as at present”, it cannot be argued that it was at all intended that the bonus for 1956 should be determined on the basis of profits for that year. As stated earlier, since the beginning, of the profit sharing bonus in this company was linked with dividends and it had been paid on that basis till and inclusive of the bonus for the year 1955 and the union had under the January, 1957 agreements, agreed to that basis being applied for a further period of 3 years from 1957. I do not think it can reasonably be argued that only for 1956 an exception was to be made and the profit sharing bonus for that year was to be determined not on the basis of linking profit sharing bonus with dividends, but on the basis of the net profits earned in that year. If this was what was really intended I think the parties were experienced enough to have so provided in the agreement itself. The other clauses of the agreement on profit sharing bonus also support the conclusion that it was not intended to exclude the profit sharing bonus for 1956 from the operation of the settlement or award. In the terms of settlement on profit sharing bonus there is a reference to “the recent or future issue of bonus shares.” It is admitted that the words “the recent” had reference to the 1956 bonus shares which had by then been declared. The reference to the issue of bonus shares of 1956 also indicates that the question of profit sharing bonus for 1956 was also not to be excluded from the operation of the agreement, the only safeguard provided on the point being that it would not affect the basis on which profit sharing bonus is calculated. That indicates that even for 1956 the profit sharing bonus was to be on the basis of linking it with dividends and not with profits. The only other safeguard provided in the terms of settlement was that in the event of the company's annual dividend being restricted by Government order or legislation, it will be necessary to reconsider this issue. But that only means that the profit sharing bonus was to be determined by being linked to dividends, but that if the company's dividend was restricted by Government order or legislation, then that formula was not to apply and the matter would have to be reconsidered. There only remain clauses 2 and 3 of the agreement to consider. Clause 2 provided that with effect from 1st January, 1957, the additional provision of the 1953 bonus award which was applicable to the workmen of the Mine and which provided for payment of bonus after 6 months service on a *pro rata* basis, would also be extended to the workmen of the company's factory at Moubhandar. This proviso gave the Moubhandar factory employees the benefit of payment of bonus on a *pro rata* basis after 6 months service, which was being enjoyed by the employees at the mines. It only dealt with the manner and method by which the quantum of bonus on the basis of length of service was to be determined and was not material for the purpose of the question whether the bonus was to be determined by being linked to dividends or profits. The 3rd clause provided that for the purposes of the payment of bonus the pay as on 31st December of the year for which bonus is paid is to be taken into account and not the pay as on 30th June of the year as was the previous practice, and in the event of the services of a workman having been terminated during the year for which bonus is paid, then his pay as on the date of the termination of his services has to be taken into account for calculating the quantum of bonus to be paid to him. But this clause does not mention any dates and is only one of the conditions governing the calculation of the quantum of bonus payable. Now, this brings me to the company's letter of 18th July, 1957 and to the statements made therein by the company which according to the union establishes that even the company itself considered that the terms of the January, 1957 agreements and the Basu Tribunal's Award did not apply to the bonus for 1956 but only applied to the bonus for 1957. Now, the company's letter of 18th July, 1957 (Annexure 'A' to the Union's written statement dated 7th February, 1958) was written in reply to the union's letter of 18th July 1957. (Exhibit E-1),

which the union had written on the subject of "profit sharing bonus 1956." In paragraph 1 of that letter this union had stated as follows:—

"We understand that this bonus is not being paid to the entitled workmen on their last rates prevailing during the year and instead rates prevailing on June 30th have been made the basis. We most respectfully like to point out that this is not in keeping with the *terms of our last settlement* and if at all this is a fact may we hope you will be pleased to make the necessary adjustment." (under lining mine).

It will thus be seen that the union was itself in this letter saying that the bonus for 1956 was to have been made in "terms of our last settlement" (the settlement of 16th January, 1957 which was incorporated in Basu Tribunal's award) and that the company not having paid bonus on the basis of the pay as on 31st December, 1956 but having paid it on the basis of 30th June, 1956 was not acting in "keeping with the terms of our last settlement." It would thus be clear that the Union itself was interpreting the terms of settlement as applying to the profit sharing bonus for 1956. The rest of the Union's letter refers to the company having made proportionate deductions for absence on leave etc. in determining the service of the workmen on the basis of which the quantum of bonus was payable to them for the year, and we are not concerned with those questions in the present reference. The company replied to that letter on that very day i.e. 18th July 1957, and what it stated was:

"The award in respect of the profit sharing bonus came into force on 1st January, 1957 and therefore bonus earned during 1956 will of course be paid in accordance with the old rules i.e. the profit sharing bonus for 1956 will be paid to employees on their rates of pay as at 30th June, 1956 but the bonus for 1957 and subsequent years will be paid at the rates prevailing on 31st December, each year."

In effect what the company was saying was that the basis of calculation of bonus for 1956 would be the old basis of pay as on 30th June and that the claim for paying it on the basis of pay as on 31st December would apply for the bonus for 1957 onwards. What the company was thus saying was that third clause in the terms of settlement on profit sharing bonus would apply only from 1st January, 1957 and it does not mean that the company was saying that the bonus for 1956 was not to be paid on the formula of linking bonus with dividend. It could not possibly have said that because it had already for 1956 declared profit sharing bonus on that basis. It is also significant to note that whilst the union wants to treat this statement in the company's letter of 18th July, 1957 as indicating that the company was saying that the profit sharing bonus for 1956 was not to be governed by the terms of settlement, it had in its own letter of 18th July, 1957 not stated that the bonus for 1956 which had by then been declared on the basis of linking bonus with dividends had not been properly declared and that it should have been declared on the basis of the profits earned for the year. In fact the union at least in that letter had not disputed the basis on which the bonus for 1956 had been declared by the company, but was only disputing as to whether the quantum of bonus should be determined on the pay as on 30th June, 1956 or 31st December, 1956. The Union has also relied upon the resolution passed at the discussions before the Conciliation Officer on 28th August, 1957 when the company agreed to review the question regarding bonus for 1956, if both the unions at the Mosabani Mines and the Moubhandar Factory jointly approached it. The union states that relying upon this assurance it withdrew the strike notice dated 22nd August, 1957 for the strike which was to commence from 12th September, 1957 but that the company at the subsequent meetings before the Conciliation Officer on 9th September, 1957 and 14th September, 1957 did not fulfil its assurance and contended that the Basu Tribunal's Award governed the payment of profit sharing bonus for 1956. I have considerable sympathy for this grievance of the unions. But that conduct of the management cannot debar it from contending that the profit sharing bonus for 1956 is governed by the Basu Tribunal's award.

12. The union has next urged that as the gross profits earned by the company in 1956 were higher than the profits which it had earned in 1955 the workmen were entitled to a higher bonus for 1956 than what the company had paid for 1955. As pointed out earlier, the gross profits for 1955 were £1,474,804 on which the company had declared to its shareholders a dividend of 20 per cent free of income tax and had further paid them bonus of 25 per cent and that for that year the company had declared and paid profit sharing bonus of 31 weeks basic wages after having determined the grossed up dividends at about 61 per cent for that year. It may here be stated that the grossed up dividend is determined by

adding to the amount of dividends which are free of income tax, the amount of income tax paid thereon by the company. In 1956 the gross profits of the company was £1,507,184 and on that profit the company had declared a dividend of 20 per cent to its shareholders and also granted them 50 per cent bonus shares i.e. one bonus share for every two shares held. For that year the company determined the grossed up dividend at about 44 per cent and on that basis declared a bonus of 22 weeks' basic wages according to the Dave Formula. The union claims that if the bonus shares are treated as dividends then the grossed up dividend would amount to about 70 per cent on which the workmen were entitled to a bonus of 35 weeks basic wages. But it has to be remembered that under the formula of determining the grossed up dividend, it is only the amount of dividends free of income-tax, plus the amount of income tax paid by the company on such dividends which has to be taken into account and not the amount of bonus shares issued. It is not denied that on the basis of the 20 per cent dividend declared for 1956, the company had correctly grossed up the dividends as amounting to 44 per cent on which on the basis of one weeks' basic wage for each 2 per cent of grossed up dividend the company had correctly calculated the profit sharing bonus payable being 22 weeks' basic wages.

13. Now, it is admitted that whilst the gross profits for 1956 were higher than for 1955 the net profits for 1956 were lower than the profits for 1955 largely because of the higher rate of taxation imposed by the Finance Act of 1956. Further the company determined the grossed up dividend for 1956, by creating the dividend paid to its share-holders as being not 20 per cent. on the increased capital (which has been effected by the capitalisation from the general reserves from which bonus shares were issued) but 30 per cent. on the old capital before capitalisation, and on that basis had determined the grossed up dividend as being 44 per cent. on which the profit sharing bonus was determined at 22 weeks' basic wages. If the dividend of 20 per cent. had been calculated on the enhanced capital, then the grossed up dividends would have amounted to only about 27 per cent. on which the workmen would have been entitled to profit sharing bonus of only 14 weeks' basic wages, instead of the 22 weeks basic wages paid to them. This the company did because the terms of settlement had provided that "the recent or future issue of bonus shares would not affect the basis on which the profit sharing bonus is calculated." It does therefore appear to me that the company had calculated the grossed up dividends from which profit sharing bonus was payable to the workmen, in a manner by which the issue of bonus shares had not been allowed to adversely affect the profit sharing bonus payable to the workmen.

14. For all these reasons, I hold on issue (a) under reference that the Basu Tribunal Award (Award in Reference I.D. No. 5 of 1956) is applicable to the question of payment of bonus for 1956. The answer to issue (a) being in the affirmative, issue (b) has to be considered and not issue (c), which latter was to be considered only if the answer to issue (a) was in the negative.

15. Issue (b).—The question in this issue is whether the quantum of bonus payable to the workmen on the basis of the annual dividend needs reconsideration on the ground that within the meaning of the January, 1957 settlement the dividend for 1956 has been restricted on account of Government Order or legislation and if so what shall be the quantum of bonus payable to the workmen for that year. The question in short is one of construction of clause 5 of the settlement on profit sharing bonus in the agreement of January 1956, which provided as follows;

"In the event of the company's annual dividend being restricted by Government order or legislation it will be necessary to reconsider this issue."

The union's case is that the dividend declared by the company to its share-holders for 1956 had been restricted by the increased rates of taxation which had been imposed by the Finance Act of 1956. There is no doubt that the Finance Act of 1956 did impose higher rates of Income Tax, Super Tax, Dividend Tax and Tax on Bonus Share Issue which the company had to pay on its profits, dividends and Bonus Share Issue of 1956. This is shown in the audited accounts of the company for 1956 and reference to it is also contained in the report of the Directors for the year ended 31st December, 1956 and at page 5 of the address of the Chairman of the company when presenting the accounts for 1956 (Exhibit E-3). There is also no doubt that tax at a higher rate had to be paid by the company on the dividends and bonus shares issued in 1956. The union's case is that these higher rates of taxation had indirectly restricted the dividend paid by the company to its shareholders in 1956 and as a consequence thereof the workers had got less profit sharing bonus because of these legislative restrictions, a reconsideration

or the quantum of bonus payable for 1956, was called for. The company, however, denies that the increases in the rates of taxation imposed by the Finance Act of 1956 had in any manner restricted the dividend declared by it for 1956. It has, however, mainly contended that what clause 5 of the agreement of January 1957, provided for was a direct restriction of dividends by Government Order or legislation and that as there had been no direct restriction of dividends by any Government order or legislation the question of reconsidering the application of the profit sharing bonus formula did not arise. I am inclined to accept this contention of the company. On the plain language of clause (5) of the settlement of January 1957, it does appear that what was intended to be provided for was that if there was any direct restriction by Government order or legislation on the amount of annual dividends which the company would declare, then the formula by which the profit sharing bonus was linked to dividends would have to be reconsidered. It must be remembered that in 1956 it was generally anticipated that Government by order or legislative measure would restrict the annual dividends which public companies could declare from their profits. As the profit sharing bonus payable to the workmen in this company was linked to the dividend declared, it was naturally the anxiety of the workmen when they agreed to profit sharing bonus being linked to dividends, that in the event of such restriction on dividends, there should be a reconsideration of the formula, as otherwise even though the company might earn large profits and might desire to give an adequate dividend to its shareholders, it might be prevented from declaring any higher dividend than what the Government might fix, and thus the profit sharing bonus which the workmen would be entitled to would be adversely affected. I am of the opinion that what was contemplated and intended by clause (5) was a direct restriction on dividends by Government order or legislation and not any legislation which would impose a higher rate of taxation. The indirect restriction as a result of higher taxation would be a factor very difficult to determine and I do not think that the parties had this in mind when it incorporated the saving clause (5), which in my opinion was incorporated to meet the altered situation that would be created by a direct restriction on the rate of dividends, which could be declared. I would, therefore, hold on issue (b) that the quantum of bonus payable to the workmen on the basis of linking it with dividends, does not need any re-consideration as there had been no restriction in terms of the January 1957, settlement, on the dividends which the company had declared for the year 1956.

16. This brings me to the consideration of issue (d), which is whether the profit sharing bonus for 1956 shall be based on the pay of the individual as on 30th June, 1956, or as on 31st December, 1956, or in the case of a workman who is no longer in the service, the date on which his service with the corporation was terminated. It will be noted that this issue covers two classes of workmen, (1) those who were in the service of the company as on 31st December, 1956, and (2) those who were no longer in the service of the company by that date. With regard to the first group, as the bonus is payable for the year 1956, it is but fair that their pay as on 31st December, 1956, should be taken as the basis for calculating the quantum of bonus which should be payable to them. In fact, in the agreement of January 1957 it is clearly provided that the pay as on 31st December and not as on 30th June, is to be the basis for calculating bonus. At the hearing, the company was also not seriously opposed to the workman's demand on this issue. I would, therefore, direct that the profit sharing bonus for the year 1956 shall be based on the pay of the individual workman as on 31st December, 1956, and in the case of a workman who is longer in service, the date on which his services with the corporation was terminated. I further direct that the additional amount of bonus for 1956, payable on the above basis, shall be paid to such of the workmen as are entitled to the same, within 3 months of the date on which the Award becomes enforceable.

17. To sum up, I decide issue (a) under reference in the affirmative and hold that the Award of the Central Government Industrial Tribunal at Calcutta, in Reference I.D. No. 5 of 1956 published in S.R.O. 515 dated 12th February, 1957, is applicable to the question of profit sharing bonus for 1956. As the answer to issue (a) is in the affirmative, the question raised in issue (c) does not call for consideration, but only the question raised in issue (b). On issue (b), I hold that the quantum of bonus payable to the workmen for 1956 on the basis of the annual dividend needs no reconsideration, as within the meaning of the January, 1957, settlement, the dividend for 1956 was not restricted on account of any Government order or legislation. On issue (d), I hold that the bonus for 1956 should be based on the pay of the individual workman as on 31st December, 1956 or in the case of a workman who is no longer in service, the date on which his services with the Corporation was terminated. I further direct on issue (d) that

the payment of additional quantum of bonus for 1956, payable on the basis of the decision on issue (d), shall be paid to the workmen entitled to the same within 3 months of the date this Award becomes enforceable.

I make no order as to costs.

(Sd.) SALIM M. MERCHANT,  
Chairman,

Central Govt. Industrial Tribunal, Dhanbad.

DHANBAD;

[No. LR II-57/1/42/57.1

The 18th August, 1958.

# ORDERS

*New Delhi, the 26th August 1958*

**S.O. 1776.**—Whereas the employers in relation to the Victoria Colliery, P.O. Kulti, District Burdwan, and their workmen represented by the Colliery Mazdoor Union, Asansol, have jointly applied to the Central Government for a reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Colliery Mazdoor Union, Asansol represents a majority of the workmen;

Now therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

## THE SCHEDULE

1. (a) Whether the management's conversion of the piece rated trammers on the surface into time rated trammers was justified.

(b) If not, what relief are the trammers concerned entitled to.

2. Whether the management was justified in ordering the surface trammers to do jobs other than tramming during 8 hours shift.

[No. LR II-1(57)/58.]

**S.O. 1777.**—Whereas the employers in relation to the management of Dadabhyo New Chirimiri Ponri Hill Colliery Co. (P) Ltd., Civil Lines, Nagpur and their workmen represented by the Chhattisgarh Colliery Workers' Federation have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Chhattisgarh Colliery Workers' Federation represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Nagpur, constituted under section 7A of the said Act.

## THE SCHEDULE

1. *Remodelling of labour quarters.*—Interpretation of word 'remodelling' in agreement dated 24.1.54, 8.11.54, 21.3.55 and 6.8.55.

2. *Appointment of one M.B.B.S. Doctor.*—Whether the appointment of one M.B.B.S. doctor contemplated in agreements dated 21.3.55 and 6.8.55 is in addition to the existing doctor.

3. *A.—Payment of over-time Wages.*—(a) Whether the employers who were on pay-rolls of the colliery between 1.10.50 to 21.3.55 (out of those who entered into service from 1.10.50 to 8.11.54) and have ceased to be employees of the colliery (both company and the contractors) for any reason whatsoever before 21.3.55, are eligible to over-time payment, under the agreement dated 21.3.55 and 6.8.55.

(b) Whether Chintaman Short-fire is entitled to overtime payment under agreement dated 21.3.55 and 6.8.55.

4. A.—*Increase of 12½% on the basic wages.*—(a) Whether the weekly paid employees who have been paid 12½% increase on basic wages from 7.8.55 are eligible for arrear of payment of such increase for the period of their service from 1.10.50 or the date of their appointments to 6.8.55 under the agreements dated 21.3.55 and 6.8.55;

(b) whether the monthly paid employees who were on pay-rolls of the Comany or raising contractors between 1.10.50 to 8.11.54 but have ceased to be employees prior to 21.3.55 are eligible for arrear payment of 12½% increase in basic wages under the agreements dated 21.3.55 and 6.8.55.

(c) whether the shot-firers are eligible for 12½% increase in basic wages from 1.10.50 or dates of their appointments under agreement dated 21.3.55 and 6.8.55.

(d) whether the agreements dated 21.3.55 and 6.8.55 regarding 12½% increase in basic wages are applicable to the colliery's office staff at Nagpur.

5. To what extent Shri Brijlal Car driver and Shri A. K. Sirkar Electric charginan are entitled to overtime payment under agreements dated 21.3.55 and 6.8.55.

6. What is the extent to which lighting arrangements in labour quarters have been contemplated under agreement dated 21.3.55 and 6.8.55.

7. How the recommendations of the Enquiry Committee submitted on 12.2.55 and referred to against Item 5 of the agreement dated 21.3.55 are to be followed.

8. What should be the principle of re-impursing the cost of medicine to the employees who purchased the same from outside according to agreement dated 24.1.1954.

9. Whether the stopping of the increment of the present doctor is justified in view of the agreement dated 6.8.55.

[No. LRMI/2(29) 55.]

A. L. HANDA, Under Secy.

*New Delhi, the 26th August 1958*

**S.O. 1778.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 31st day of August, 1958, as the date on which the provisions of Chapter IV (except sections 44 and 45 thereof, which have already been brought into force), Chapter V and Chapter VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 thereof, which have already been brought into force), of the said Act shall come into force in the following areas in the State of Kerala, namely:—

The area within the city limits of Trivandrum Corporation and the revenue villages of:—

- (a) Aramada,
- (b) Chengazhucherry.
- (c) Iranimuttom,
- (d) Kadakampally.
- (e) Muttathara,
- (f) Randamada,
- (g) Palkulangara,
- (h) Vanchlyoor, and
- (i) Nemom

in the Trivandrum Taluk, in the Trivandrum District.

[No. F. HI-13(7)/58.]

P. R. NAYAR, Under Secy.